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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,377	07/30/2001	David D. Ratcliff	TI-33115	9994

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EXAMINER

TRAN, CON P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/918,377	Applicant(s) RATCLIFF ET AL.	
	Examiner Con P. Tran	Art Unit 2644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: PTO-892.

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Continuation of 11.

1. Applicants' arguments filed on March 21, 2005 have been fully considered but they are not persuasive.

2. Applicants assert on pages 2-3, regarding claim 1:

"Applicants agree with the Examiner as evidence by page 3 of the Office Action that Cowieson does not disclose the switches 45 and 48 as multiply switches.

The Examiner alleged that it would have been obvious to one of ordinary skill in the art at the time to incorporate multiply switches. However, as evidence on page 2, lines 10-15 of the instant application the use of multiply rather than other forms of decision logic minimizes the use of branching and allows "morphing" from one setting to another. . .

Matheny does not cure the above noted defects."

Examiner respectfully disagrees. Regarding Applicants' argument - allows "morphing" from one setting to another -, the claims themselves do not contain this limitation therefore that limitation needs not be considered.

In addition, Examiner would like to provide evidence for supporting Examiner's obviousness rejection. Poss (US Patent 6,151,179) discloses in column 8, lines 51-60 algorithms for a multiplier in which when multiplying by 1, output is not changed; multiplying by (-1) output is simply reversed; and multiplying by zero, output is off.

3. Applicants further assert on page 3, regarding claims 1, 7, 13, and 18:

"Tang, discloses that at column 116, lines 31-35 table zero is also utilized to determine on the fly whether the

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default predetermination should be overridden and another processor be used to execute the granule instead.

This has nothing to do with multiply circuit."


Examiner respectfully disagrees. Since the rejections based upon the combination of cited references, it is Cowieson in view of Matheny teaches programmable multiply switches, and Cowieson in view of Matheny further in view of Tang teaches the claimed multiply switches are configurable on-the fly. Motivation to combine configurable on-the fly teaching is from Tang, as presented above in the Office Action.

4. Applicants assert on page 4, regarding claims 1, 17, 13, and 18:

"There is nothing to indicate that switches 305 and 310 of Rossmere relate to multiply switches."

Examiner respectfully disagrees. As presented above in the rejections, switches 305 and 310 (Fig. 3B) are detailed switch 120 of Fig. 2. Please see Fig. 2; col. 6, lines 14-61 for overview operation switches 305 and 310; also Figs 10A-10D, 11 show how the switches using multiply: changing the ratio or may ramping the ratio during mixing; col. 14, lines 21-54.

As such the claims remained rejected.


SINH TRAN
SUPERVISORY PATENT EXAMINER

CPI